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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,811	07/15/2003	Ronald I. Hickland JR.	1237-0938	7657

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COOK, ALEX, MCFARRON, MANZO, CUMMINGS & MEHLER LTD  
SUITE 2850  
200 WEST ADAMS STREET  
CHICAGO, IL 60606

EXAMINER
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CHAUDHRY, SAEED T

ART UNIT	PAPER NUMBER
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1746

MAIL DATE	DELIVERY MODE
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06/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/619,811

**Applicant(s)**

HICKLAND ET AL.

**Examiner**

Saeed T. Chaudhry

**Art Unit**

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-12 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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## **DETAILED ACTION**

Claims 1-12 are pending in this application for consideration.

### **Election/Restriction**

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I, Claims 1-11, drawn to method of removing liquids from contiguous area to the outer surface of a coverstocks of bowling balls, classified in Class 134, subclass 26.

Group II, Claim 12 is drawn to a composition for plasticizer absorbent material comprising fine soft pine wood dust; silica gel; and sphagnum peat moss, classified in Class 510, subclass .

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the process for using the product as claimed can be practiced with another materially different product such as absorbent without fine soft pine wood dust; silica gel; and sphagnum peat moss or (2) the product as claimed can be used in a materially different process of using that product such as removing hazardous spill from surfaces.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, have acquired a separate status in the art because of their recognized divergent subject matter, the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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During a telephone conversation with Mr. Edward M. Keating on June 15, 2007 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-11. Affirmation of this election must be made by applicant in responding to this Office action. Claim 12 is withdrawn from further consideration by the Examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

### **Joint Inventors**

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

### **Claim Rejections - 35 USC § 112**

**Claims 1-11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

The phrase "of the type" in claim 1, at line 5 renders the claim indefinite because the resulting claim does not clearly set forth the mates and bounds of the patent protection desired. Ex Parte Hasche, 86 USPQ 481. 1966).

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

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The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

**Claims 1, 3, 4 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jenkins et al.**

Jenkins et al (5,944,912) disclose a method bowling ball by applying an absorbing material such as sodium bicarbonate on the surface of the bowling ball; the absorbing material is remain on the outer surface for certain time and then removing the absorbing material from the surface. Limitations “Up to 24 hours” and “remain in contact with said outer surface for a definite time period”, read on any time period such as one second, since Jenkins et al disclose to apply the absorbent and clean the surface. The towlette reads on the microfiber material since it has microfibers. Therefore one of ordinary skill in the art would manipulate time for absorbing contaminants on the surface of bowling ball for better and efficient results.

#### **Allowable Subject Matter**

Claims 2, 5-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Reasons For Allowable Subject Matter**

**The following is an Examiner's statement of reasons for the indication of allowable subject matter:**

None of the prior art discloses or suggests a process for removing liquids such as plasticizer and oils concentrated in area contiguous to the outer surface of a coverstocks of a

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bowling ball by applying a plasticizer material absorbent material is formulated by combining fine soft wood dust, silica gel and sphagnum peat moss into a mixture or alone.

**The Prior art**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shibuya et al (3,758,912) disclose a method of cleaning a bowling ball soiled with oil applied to an alley by applying cleansing agent onto the surface with a cleaning device.

O'Rocke (5,811,763) and O'Rocke et al (5,660,751) disclose a process and an apparatus to extract liquid absorbed in a bowling ball by placing the ball in a closed chamber and heating the ball until liquid molecules move to surface of the ball.

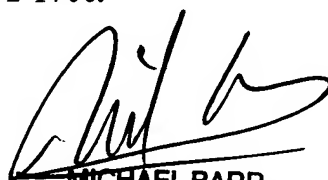
*Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed T. Chaudhry whose telephone number is (571) 272-1298. The examiner can normally be reached on Monday-Friday from 9:30 A.M. to 4:00 P.M.*

*If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Barr, can be reached on (571)-272-1414. The fax phone number for non-final is (703)-872-9306.*

*When filing a FAX in Gp 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are for entry into the file of the application. This will expedite processing of your papers.*

*Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1700.*

**Saeed T. Chaudhry**  
**Patent Examiner**

  
**MICHAEL BARR**  
**SUPERVISORY PATENT EXAMINER**